

#14

Due Date: January 10, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Inventor: Mark E. Sweat et al.

Serial #: 09/534,757

Filed: March 24, 2000

Title: METHOD AND APPARATUS FOR
DRAWING COLLABORATION
ON A NETWORK

Examiner: Flynn, Kimberly D.

Group Art Unit: 2153

Appeal No.: _____

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BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, in triplicate, as set forth in the Office Action dated August 12, 2003.

Please charge the amount of \$330 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) to Deposit Account No. 50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I. REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-45 are pending in the application.

Claim 1 was rejected under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Wishnie et al. U.S. Patent No. 6,148,311.

Claims 2, 3, 5, 6, 7, 14, 16, 17, 19, 20, 21, 28, 29, 31, 32, 34, 35, 43, and 44 were rejected under 35 U.S.C. § 102(e) as being anticipated by Burrows et. al. U.S. Patent No. 6,397,117.

Claims 4, 9, 15, 18, 23, 30, 33, 38, and 45 were rejected under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Wishnie et al. U.S. Patent No. 6,148,311.

Claims 10, 11, 24, 25, 39, and 40 were rejected under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Lowell U.S. Patent No. 6,381,632.

Claims 8, 22, and 37 were rejected under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Robertson, U.S. Patent No. 6,269,396.

Claims 12, 26, and 41 were rejected under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Yasue, U.S. Patent No. 6,289,345.

Claims 13, 27, and 42 were rejected under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Burrige, U.S. Patent No. 6,430,567.

All of the above rejections are being appealed.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF THE INVENTION

The invention is generally concerned with the management of architectural projects on a web site (see page 2, lines 10-13). The web site provides for the management (e.g., setting and maintaining access permissions) of architectural project information (see page 2, lines 10-13; page 6,

lines 9-22). The web site also manages personnel that may access particular areas of the web site and projects (see page 6, lines 20-22).

Independent claim 1 is directed towards an Internet web site that provides specific functionality for specific people. The claim provides for online services for particular personnel – building, design, and construction personnel (see page 9, lines 14-19). The online service also provides an integrated project workspace (i.e., a workspace area that is used for projects and that is “integrated” to provide multiple functionalities) (see page 9, lines 14-19). The workspace is utilized for organizing folders as containers for storing, managing, and sharing files for architectural projects (see page 8, lines 21-23). The files further comprise drawings, documents, communications, and tasks related to the architectural projects (see page 9, lines 14-19; page 38, line 23-page 39, line 1). Additionally, the integrated project workspace provides relevant content, services, and tools to help the particular types of personnel manage the files related to the architectural projects (see page 9, lines 14-19). Thus, as claimed and described in the specification, independent claim 1 provides a single web site that provides multiple functionalities used in the building, design, and construction industry.

Independent claims 2, 16, and 31 are generally directed to accessing architectural project information using an interactive web site. As claimed, the web site has various areas (see FIGS. 2-6). Each of the different areas provides the ability to modify and organize particular types of information and functionality. The claims provide that all of the areas must be present. The different areas provide the ability to view and display specific project information and manage who may access the web site and particular projects managed at the web site.

Specifically, one claimed area provides for the modification and organization of site members of the web site (see page 15, line 15-page 16, lines 1; page 24, line 4-page 27, line 8; FIGS. 3, 6, 7, and 11).

Another claimed area provides for the modification and organization of one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders (see page 27, line 10-page 30, line 4; page 35, line 5-page 43, line 15; FIGS. 2, 4, 5, and 8).

A third area provides for the modification and organization of project members of projects

including defining access permissions for project members to access project folders, standard folders, drawings, and text files (see page 27, line 10-page 35, line 4; FIGS. 4, 6, 8, 9, and 10).

Thus, as described in the specification and claimed, a single web site provides explicit functionality that allows the ability to modify and organize project information, users of the web site, and users of a particular project.

The dependent claims provide additional functionality to independent claims 2, 16, and 31.

Dependent claims 3, 17, and 32 provide that access permissions may be defined for the site members of the web site.

Dependent claims 4, 18, and 33 provide that the web site is displayed in a tree hierarchical view. Further, the tree hierarchical display provides a listing of the drawings, text files, project folders, and standard folders that make up the projects.

In dependent claims 5, 19, and 34, the web site provides the additional functionality for allowing a user to markup a drawing.

Dependent claims 6, 20, and 35 provide that various aspects of the interactive web site are installed and executed on a local computer.

Dependent claims 7, 21, and 36 provide for updating project information stored on a server by transferring information from a local computer to the server.

Dependent claims 8, 22, and 37 provide a feature of the interactive web site for emailing a site member when the site member's access permissions change.

Dependent claims 9, 23, and 38 further provide an area to specify a location of information to be displayed on the web site.

Dependent claims 10, 24, and 39 indicate the usage of an activity log that captures activities of the site members.

Dependent claims 11, 25, and 40 depend on claims 10, 24, and 39 and provide the ability to filter the activity log based on specified properties.

Dependent claims 12, 26, and 41 illustrate that the site members can be organized in a group and access permissions can be established for the group (i.e., rather than on an individual site member basis).

Dependent claims 13, 27, and 42 provide for an additional area of the web site that may be

used for discussing aspects of a project.

Dependent claims 14, 28, 29, 43, and 44 allow the import and export of information using the website.

Dependent claims 15, 30, and 45 provide that the interactive web site is created by a user without interaction or action by a site administrator.

VI. ISSUES PRESENTED FOR REVIEW

Whether claim 1 is unpatentable under 35 U.S.C. §103(a) as being obvious over Burrows et al., U.S. Patent No. 6,397,117 and further in view of Wishnie et al. U.S. Patent No. 6,148,311.

Whether claims 2, 3, 5, 6, 7, 14, 16, 17, 19, 20, 21, 28, 29, 31, 32, 34, 35, 43, and 44 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Burrows et. al. U.S. Patent No. 6,397,117.

Whether claims 4, 9, 15, 18, 23, 30, 33, 38, and 45 are unpatentable under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Wishnie et al. U.S. Patent No. 6,148,311.

Whether claims 10, 11, 24, 25, 39, and 40 are unpatentable under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Lowell U.S. Patent No. 6,381,632.

Whether claims 8, 22, and 37 are unpatentable under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Robertson, U.S. Patent No. 6,269,396.

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Whether claims 13, 27, and 42 are unpatentable under 35 U.S.C. §103(a) as being obvious over Burrows et. al., U.S. Patent No. 6,397,117 and further in view of Burrige, U.S. Patent No. 6,430,567.

VII. GROUPING OF CLAIMS

The rejected claims do not stand or fall together. Each claim is independently patentable. Separate arguments for the patentability of each claim are provided below.

VIII. ARGUMENTS

A. Independent Claim 1 Is Patentable Over The Prior Art

In paragraph (10) of the final Office Action, claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Burrows and further in view of Wishnie as follows:

In considering claim 1,
Burrows et al. discloses an Internet web site, comprising:
an online service, implemented on a computer, for building, design, and construction personnel, wherein the files comprise drawings, documents, communications, and tasks related to the architectural projects (see Fig. 2, Design Tool Executables 37; col. 4, lines 5-15 and lines 33-40).
Additionally,
Wishnie et al. discloses an Internet web site comprising:
an online service that provides an integrated project workspace for organizing folders therein as containers for storing, managing, and sharing files for one or more projects, and the integrated project workspace provides relevant content, services, and tools to help the personnel manage the files related to the projects (see Fig. 4a, hierarchical display space 402; col. 4, lines 23-38; Fig. 4, textual display space 404; col. 4, lines 39-49).

Appellants respectfully traverse these rejections for one or more of the following reasons:

- (1) *Neither Burrows nor Wishnie teach, disclose, or suggest an integrated project workspace for organizing folders for one or more architectural projects;*
- (2) *Neither Burrows nor Wishnie teach, disclose, or suggest an integrated project workspace to help personnel (i.e., building, design, and construction personnel) manage files related to architectural projects;*
- (3) *The combination of Wishnie and Burrows fails to teach the invention as claimed; and*
- (4) *Neither Burrows, nor Wishnie, either alone or in combination, teach, describe, or suggest the invention as a whole.*

As can be seen in the rejection, Burrows was utilized to teach some of the claim elements, while Wishnie was utilized to teach the integrated project workspace claim elements. However, contrary to the assertion in the Office Action, Wishnie does not even remotely read on or teach these claim elements. Wishnie is specifically directed towards a file hierarchy for HTML files utilized to build a web site (see Title and Abstract). Fig. 4a of Wishnie (as described in col. 4, lines 22-50) provides a hierarchical display space 402 and textual display space 404 that illustrates a

selected web site in a tree fashion showing the various pages of the web site. The entry in the hierarchical display space 402 has a pointer that points to the HTML file for a particular entry. The textual display space 404 has a textual description of attributes for each page in the web site. Accordingly, Wishnie is directed towards organizing HTML files for a web site.

In view of the above, Wishnie's web site and methodology is not directed towards or utilized by building, design, and construction personnel as claimed. The claims specifically provide that the integrated project workspace provides content, services, and tools to help such building, design, and construction personnel. Instead of being directed towards such particular personnel, Wishnie is directed towards personnel desiring to create and organize files for a web site.

Additionally, the claimed integrated workspace is related to architectural projects. The Office Action simply omits the term "architectural" when rejecting the claims. In this regard, the Office Action merely uses the term "projects" when relying on Wishnie. However, this element provides a context for the web site and is specifically claimed. Wishnie is not even remotely related to architectural projects. Further, the term "architectural" cannot be removed from the claims since it is an integral part of this independent claim. Thus, regardless of whether Burrows provides for a distributed CAD system, Wishnie is wholly unrelated and cannot be utilized to teach the claimed elements. Specifically, the folders are utilized as containers relating to architectural projects. Neither Burrows nor Wishnie teach such a claim element. In this regard, Wishnie's mere hierarchical structure of HTML files completely fails to teach, disclose, or suggest, either expressly or implicitly, containers for storing, managing and sharing files for an architectural project.

Additionally, Wishnie's folders are utilized for HTML files and not projects. In fact, an electronic search for the term "project" in Wishnie provides no results at all. Without even using the word "project", Wishnie cannot possibly teach an integrated web site directed towards projects (and more particularly architectural projects).

In response to the above arguments, the final Office Action provides:

10. In response to applicant's arguments against the references individually, on page 13, lines 24-25, and page 14, lines 2-3, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

11. Applicant(s) argue on page 14, lines 9-10 and 15-16, that Wishnie is totally unrelated to a distributed CAD system, and that since the folders in Wishnie et al. are utilized for HTML files as opposed to projects, it does not read on the claimed invention. The applicant(s)

arguments are not persuasive. Although Wishnie et al. is not a CAD system, it is related in the fact that is the hierarchical organization of files for a website. Thus, it is *not* wholly unrelated to the present application. Furthermore, only the concept of utilizing folder for storing files was taken from the Wishnie et al. reference in the 103 combination, and not the storage of HTML files *only*.

Applicant(s) argue on page 14, lines 4-10, that the term "architectural" is an integral part of the independent claims, and that Burrows et al. cannot anticipate that. The applicant(s) arguments are not persuasive. The term architectural has been given the broadest reasonable interpretation. By its nature, CAD design drawings are inherently related to some type of architectural structure, whether it is for mechanical objects, electrical objects, buildings, etc. Thus, the term architectural, when used in the context of CAD systems, does not further limit CAD-based files.

Appellants respectfully traverse such conclusions in the final Office Action. While Appellants agree that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references, the claimed invention must also be examined as a whole and whether the "whole" claimed invention would have been obvious at the time of invention (see MPEP §2142). In addition, under MPEP §706.02(j) "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." No such suggestion of motivation exists in either Burrows or Wishnie.

As described above, Wishnie is directed towards organizing HTML files for a web site. The final Office Action agrees with such a statement but states that Wishnie is not wholly unrelated to the present application since it is a hierarchical organization of files for a website. However, the test is not whether it is wholly unrelated to the present application but whether it is related or would have been obvious to combine Wishnie with the other reference (i.e., Burrows) (see MPEP 706.02(j)). Such a motivation to combine is clearly lacking from both Wishnie and Burrows.

Further, looking at the claimed invention as a "whole" (as required by the MPEP), the invention provides an online service with an integrated project workspace having folders as containers for architectural project files (where the files comprise drawings, documents, communications, and tasks) and the workspace provides content services and tools to help users manage the files. In this regard, the claims provide for an entire online service for managing architectural CAD projects including the ability to manage the folders as containers which are specifically geared and organized for architectural projects. In addition, the online service provides the ability to manage the files within the folders wherein the files are drawings, documents,

communications, and tasks related to the projects. In this regard, Burrows completely fails to describe any documents or communications whatsoever.

In addition to the above, the final Office Action submits that "only the concept of utilizing folders for storing files was taken from the Wishnie et al. reference". Relying on such a statement, it is therefore assumed that Burrows is relied upon to teach all of the remaining elements including containers for storing, managing, and sharing files for architectural projects, wherein the files comprise drawings, documents, communications, and tasks related to the architectural projects. It is further assumed that the Office Action relies on Burrows to teach an integrated project workspace that provides relevant content, services, and tools to help building, design, and construction personnel manage the files (i.e., the drawings, documents, communications, and task files) related to the architectural projects. However, it may be easily seen that Burrows lacks such a teaching.

Burrows is specifically geared towards using CAD tools in a distributed CAD system (see col. 1, lines 5-59). In this regard, design tools that perform CAD tasks are provided on a CAD server station (see col. 1, lines 62-67). FIG. 2 of Burrows illustrates such a CAD server system that supports design tool executables (programs) 37 and design tool libraries 39. As illustrated in FIG. 3, the CAD system runs on the server and the user can gain access to the programs (i.e., the design tools) from the client station over the internet (see col. 4, lines 33-40). Further, access to the programs is achieved using "form" that define parameters for a CAD task. However, absent from the Burrows disclosure is any reference to the files as claimed (i.e., files that comprise drawings, documents, communications, and tasks) or the storage of any such files in containers or otherwise.

Thus, contrary to the assertion in the final Office Action, Burrows merely provides the ability to using CAD tools in a distributed system. There is no teaching or suggestion, implicit or explicit, for the files, folders, or organization as claimed. Burrows also fails to describe any such files, folders, or organization with respect to architectural projects (as claimed). In fact, an electronic search in Burrows for the term "project" provides no results. Without even describing a project or mentioning the word "project", Burrows cannot possibly teach or suggest files (that comprise drawings, documents, communications, and tasks) for an architectural project. Instead, Burrows merely provides for using a CAD tool in a distributed environment. Further, Wishnie does not cure Burrows' deficiency (since it merely teaches utilizing folders for storing files).

In response to the above arguments, the Advisory Action provides:

Applicant(s) argue on page 8 of the remarks, that neither Burrows nor Wishnie teach disclose or suggest an integrated project for organizing folders for one or more architectural projects. The applicant(s) arguments are not persuasive. Although Wishnie et al. is not a CAD system, Wishnie discloses a hierarchical organization of files for a website, and the concept of utilizing folders for storing files.

Applicant(s) argue on page 8 of the remarks, that neither Burrows nor Wishnie teach, disclose, or suggest an integrated project workspace to help personnel manage files related to architectural projects. The applicant(s) arguments are not persuasive. The term architectural has been given the broadest reasonable interpretation. By its nature, CAD design drawings are inherently related to some type of architectural structure, whether it is for mechanical objects, electrical objects, buildings, etc. Thus, the term architectural, when used in the context of CAD systems, does not further limit CAD-based files.

Appellants disagree with and traverse the responses in the Advisory Action.

With respect to the Advisory Action's contention that Wishnie discloses a hierarchical organization of files for a website. Appellants agree with such an assertion - Wishnie does disclose a hierarchical organization of files for a website. However, Wishnie's teaching is limited to organizing HTML files and storing such HTML files (see Wishnie col. 1, lines 5-col. 3, line 20). The present claims specifically provide that the files comprise drawings, documents, communications, and tasks related to architectural projects. Separate electronic searches of Wishnie for each of the terms "drawing", "communication" and "task" provide no relevant results whatsoever. In this regard, the mere concept of organizing HTML files does not suggest storing files for architectural projects that include drawings, documents, communications, and tasks for the architectural projects. The claims state with particularity the types of files and personnel that use the website. These claim elements cannot simply be ignored when applying a reference.

The second paragraph of the Advisory Action submits that the term "architectural" does not further limit CAD based systems. Appellants agree that architects may commonly use CAD based systems. Accordingly, Burrows' system may be applicable and used by architects. However, Wishnie was used to disclose the claimed element of "organizing folders as containers for storing, managing, and sharing files for one or more architectural projects, wherein the files comprise drawings, documents, communications, and tasks related to the architectural projects". As described above, Wishnie cannot and does not teach such a folder structure. Instead, Wishnie merely teaches a folder used for storing HTML files (see Wishnie Abstract).

The final Office Action and Advisory Action attempt to select desired claim elements in a piecemeal fashion from two unrelated references. In this regard, Wishnie completely fails to provide any context for an architectural project or the specific types of files illustrated. Instead, Wishnie is directed towards a hierarchy for organizing HTML files that are part of a web site (see Abstract). Wishnie does not allude to, nor suggest, implicitly or explicitly: a project, an architectural project, a drawing related to an architectural project, a document related to an architectural project, a communication related to an architectural project, nor a task related to an architectural project.

Further, even if Wishnie is combined with Burrows (which Appellants submit lacks a motivation to combine), the combination still fails to teach the invention as claimed. Wishnie provides a structure for organizing HTML files of a web site in a folder structure, while Burrows teaches a distributed CAD system. Burrows only utilizes web pages to capture design requirements using a form (see col. 4, lines 38-49). Accordingly, the combination of Wishnie with Burrows would (at most) provide a distributed CAD system (of Burrows) wherein the various web HTML forms that are used in the distributed system for capturing design requirements would be stored in folders (as in Wishnie). Such a teaching still fails to teach the storage, management and sharing of files for architectural projects where the files comprise drawings, documents, communications, and tasks related to architectural projects (as claimed).

In addition, Appellants note that the website is an integrated project workspace that provides multiple functionalities. One of such functionalities is to provide content, services, and tools to help personnel manage the files relate to the architectural projects. Neither Wishnie nor Burrows provide such functionality either separately or in a single integrated web site.

In view of the above, Appellants submit that Independent claim 1 is in condition for allowance.

B. Independent Claims 2, 16, and 31 Are Patentable Over The Prior Art

The final Office Action rejects claims 2, 16, and 31 as follows:

In considering claims 2, 16, and 31:
Burrows et al. discloses a computer-implemented apparatus, a method, and an article of manufacture, each comprising:
accessing architectural project information using an interactive web site hosted on a server wherein one or more areas of the interactive web site provide for:
modification and organization of:

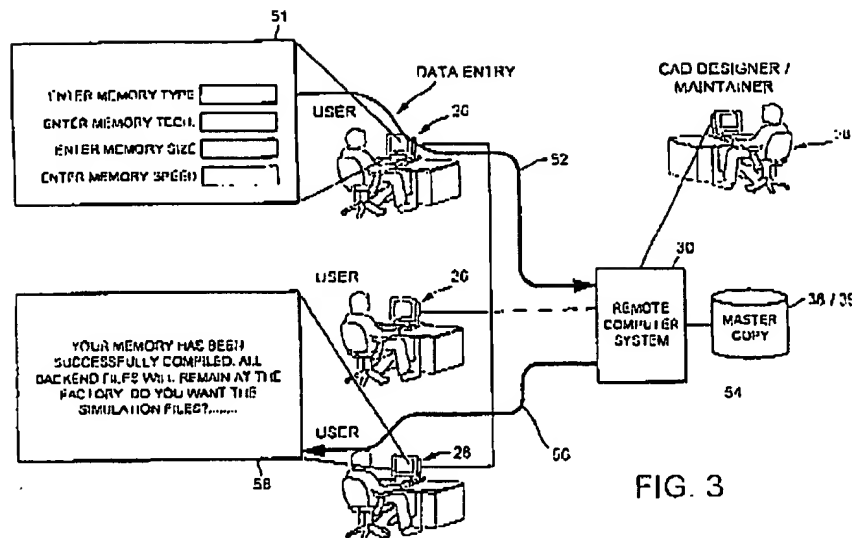
a display of the interactive web site (see Fig. 2, Display 42; col. 4, lines 14-26);
site members of the interactive web site (see Fig. 3, Users 26);
one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders (see Fig. 2, Design Tool Executables – programs – 37; col. 4, lines 5-15 and lines 33-40) [note: the programs must stored in some type of program on the server computer 30 in order to be utilized by the user]; and
project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files (see Fig. 4, Steps C1 and C2; col. 5, lines 16-20 and lines 58-69).

Appellants traverse the above rejections for one or more of the following reasons:

- (1) *Burrows fails to teach, disclose or suggest an area of a web site that provides for the modification and organization of site members of the web site;*
- (2) *Burrows fails to teach, disclose or suggest projects including an area of a web site that provides for the modification and organization of projects including storing, organizing and displaying drawings and text files;*
- (3) *Burrows fails to teach, disclose or suggest folders including an area of a web site that provides for the modification and organization of projects in project folders and standard folders; and*
- (4) *Burrows fails to teach, disclose or suggest project members of one or more projects.*

As described above, independent claims 2, 16, and 31 are generally directed to accessing architectural project information using an interactive web site. The web site has various areas. One such area provides for the modification and organization of site members of the web site. Another area provides for the modification and organization of one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders. Additionally, a third area provides for the modification and organization of project members of projects including defining access permissions for project members to access project folders, standard folders, drawings, and text files.

To teach each of the above elements, the final Office Action relies entirely on Burrows. Specifically, to teach an area of the web site that provides for the modification and organization of site members, the Office Action cites Burrows Fig. 3, users 26. Fig. 3 follows:



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As seen in FIG. 3, item 26 merely illustrates a user connected to a network. The text within Burrows merely provides for a server station 22 communicating with the plurality of client stations 26 via a communications medium 24 (see col. 3, lines 65-67). In addition to relying on item 26, the Advisory Action relies on "the users of the files 57 in Fig. 3". As can be seen in FIG. 3, there is no reference 57. Further, an electronic search of Burrows for "57" provides no results. Nonetheless, consistent with the Advisory Action, as can be seen in FIG. 3, three different users (identified in FIG. 3) communicate with a remote computer system 30 using a client station 26. However, the claims provide that an area of the web site provides for the "modification and organization of site members of the interactive web site". The mere capability for users to access a remote computer system does not mean that an area of Burrows' system provides the ability to modify and organize members. Nor does the illustration of FIG. 3 or the text of Burrows even remotely suggest such a capability. In this regard, the claims provide for more than "site members", the claims provide for the ability to modify and organize such site members in an area of the interactive web site. Nowhere is there any description in Burrows (either within FIG. 3, the other figures, or the text) that allows

for the organization and modification of site members. Further, nowhere in Burrows is there any reference to site members of a web site whatsoever. The use of Burrows' passwords in relation to the present claims is addressed in further detail below.

To teach an area of the web site for the modification and organization of one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders, the Office Action relies on Burrows Fig. 2, design tool executables 37, col. 4, lines 5-15 and lines 33-40. As described above, Appellants note that an electronic search of Burrows for the term "project" provides no results. Without even mentioning the word "project", Burrows cannot possibly teach various claim elements that all utilize the word "project". Further, the use of design tool executables 37 does not even remotely suggest modifying and organizing projects in project folders and standard folders. Burrows' design tool executables are executable files used to perform a desired CAD task (see col. 5, lines 13-20; col. 5, lines 58-60; col. 6, lines 5-27). For example, to design an integrated circuit, a user may use a CAD tool with associated executable libraries that enable the designing of a memory cell for incorporation into an integrated circuit design (see col. 5, lines 13-20). In view of such an explanation by Burrows, the design tool 37 used to complete a CAD task does not teach or disclose, implicitly or explicitly, projects (or an area of a web site that provides for modification and organization of projects) that include storing, organizing, and displaying drawings and text files in project folders and standard folders.

In response to the above arguments, the final Office Action provides:

Applicant(s) argue on page 16, lines 9-11 and 16-18, that Burrows et al. fails to reference any site members of a web site, and that since the word "project" does not appear anywhere in Burrows et al., it does not read on the claimed invention. The applicant(s) arguments are not persuasive. The users of the files, 57, in Fig. 3 of Burrows et al. clearly show three different site members who have their own respective access to the CAD server, even they have not be named "site members" within the reference. Additionally, the CAD tasks of each user have been interpreted as projects, even though the word "project" isn't being specifically mentioned.

The Advisory Action merely repeats the above statements and ignores the previously submitted arguments (which are included herein). Appellants respectfully traverse such statements. In Appellants' prior argument, Appellants did not state "that Burrows et. al. fails to reference any site members of a web site". As stated above, Appellants submit that Burrows fails to provide an area of a web site that provides for the modification and organization of site members of the interactive web site (as claimed). The users of Burrows' Fig. 3 may be site members. [However,

please note that no "membership" or "subscription" of any sort is defined or suggested in Burrows. Instead, Burrows merely identifies a user having a password to gain access to a web page (see col. 5, lines 5-12).]. However, there is no description that provides an area of the web site (or a web page) that provides the ability to manage and organize such site members. The mere use of passwords does not even remotely refer to such capabilities. For example, the modification and organization of Burrow's users may be defined by a server administrator through a server mechanism and not via the web site. However, there is no description, implicit or explicit, regarding how such users are modified or organized in Burrows.

In addition, Burrows fails to even teach the use of any folders. An electronic search for the term "folder" in Burrows provides no results. The claims specifically provide for both project folders and standard folders and the organizing of projects and files within such folders. Burrows does not even remotely teach such folders or file/project organization. The final Office Action and Advisory Action failed to respond to this argument.

Again, in response to the above, the final Office Action and Advisory Action merely state: "Additionally, the CAD tasks of each user have been interpreted as projects, even though the word 'project' isn't being specifically mentioned." However, regardless of whether the CAD tasks qualify as a project or not, Burrows still fails to suggest, implicitly or explicitly, an area of a web site that provides for modifying and organizing projects including storing, organizing, and displaying drawings and text files in project folders and standard folders (as claimed). Nothing even remotely similar to such a teaching is even mentioned in Burrows. Specifically, Burrows does not provide for any area of a web site for storing, organizing, and displaying drawings and text files. Nor does Burrows provide for an area of a web site for displaying such drawings and text files in project folders AND standard folders. Further, the other references also fail to cure Burrow's deficiencies in this regard.

In addition to the above, the Office Action relies on Fig. 4, steps C1 and C2; col. 5, lines 16-20 and lines 58-69 to teach the claimed element of an area of the web site that provides for the modification and organization of project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files. As claimed, there is both a site members area and a project members

area. Burrows merely provides for providing suitable security clearance (e.g. passwords) so that only authorized users gain access to a web page (see col. 5, lines 8-12). Thus, Burrows simply provides that access to a web page may be based on a password. However, Burrows fails to describe an area of a web site that provides for the modification and organization of site members and another area that provides for the modification and organization of project members. The mere use of passwords in determining if a user has access to a web page is completely different and distinguishable from organizing such users in an area of a web site.

In response to the above arguments, the final Office Action provides:

Applicant(s) argue on page 17, lines 10-14, that Burrows et al. fails to describe a separate site members area and a project area, thus it does not read on the claimed invention. The applicant(s) arguments are not persuasive. In the claimed language, there has been no distinction made between site members and project members, as the site members have not been described in the independent claims. In fact, project members are only mentioned in the independent claims, leading one to believe that site member can be, and are, project members, since the dependent claims refer to defining access permissions and such for the site members *only*.

The Advisory Action merely repeats the above response.

Appellants respectfully traverse such statements. Firstly, the independent claims provide for both "site members" (see line 6 of independent claim 2) and "project members" (see lines 9-11 of independent claim 2). In this regard, the independent claims provide that an area of the web site provides for the modification and organization of site members. The independent claims also provide that an area of the web site provides for the modification and organization of project members of one or more projects. In fact, the project member modification and organization area specifically claims the ability to define access permissions for project members to access project folders, standard folders, drawings, and text files. Thus, contrary to the assertion in the final Office Action and the Advisory Action, the independent claims mention and specifically provide for both site members and project members.

Further, consistent with the final Office Action, Appellants agree that site members may in fact be project members. In fact, to gain access to the web site (and thereby access to information on the web site), project members may be required to be site members. In this regard, as claimed, there is an area of the web site that provides for the modification and organization of the site members. However, the claims also recite an area of the web site that provides for the modification and organization of project members OF THE ONE OR MORE PROJECTS. Such an area

includes defining access permissions for project members to access the project folders, standard folders, drawings, and text files. The final Office Action equates CAD tasks of each user as projects. However, Burrows fails to provide any capability or description for defining access permissions for such users to access the tasks. In addition, Burrows lacks any discussion regarding an area of a web site that may be used to modify and organize such users and their access permissions to such tasks.

In addition to the above, the final Office Action asserts that the dependent claims refer to defining access permissions for the site members *only*. Appellants agree that the dependent claims specifically provide for defining access permissions for the site members (see for e.g., dependent claims 3, 8, and 12). However, the reason for defining such access permissions for site members in the dependent claims is because the capability to define access permissions for project members already exists in the independent claims. Accordingly, it would be redundant to provide for further defining access permissions for the project members in the dependent claims. Thus, the assertions relied upon in the final Office Action are illogical and inconclusive with respect to the presently claimed invention.

In addition, Burrows describes that once a CAD task parameter form has been completed, security checks are performed, and subject to correct authorization, a job description is created (see col. 5, lines 58-62). However, contrary to the assertion in the Office Action, such a description fails to teach an area of a web site that provides for the modification and organization of project members of one or more projects. In this regard, Burrows fails to describe any area of a web site that provides the ability to organize and modify project members of one or more projects. The mere ability to perform a security check does teach a web site where access permissions may be defined on a project folder basis, standard folder basis, drawing basis, and/or text file basis (as claimed). Such a defining is completely lacking in Burrows.

In response to the above argument, the final Office Action (and Advisory Action which merely repeats the same allegations) provides:

Applicant(s) argue on page 16, lines 28-29, and page 17, lines 19-23, that Burrows et al. fails to describe any area of a web site that provides the ability to organize and modify project members of one or more projects. The examiner has expanded upon the previous rejection to more clearly point out the inherent use of folders for storing, organizing, and displaying CAD programs (drawings and text files), as claims 2, 16, and 31).

Appellants note that the only difference between the rejection in the final Office Action and Advisory Action and the former Office Action (with respect to claims 2, 16, and 31) is that a "note" is added that provides "the programs must be stored in some type of program on the server computer 30 in order to be utilized by the user". Appellants agree that programs must be stored on a server in order to be used. However, such a teaching still fails to teach an area of a web site that provides the ability to modify and organize site members, projects (in project folders and standard folders), and project members (of the one or more projects) as claimed. Further, even if Burrows teaches using folders for storing, organizing, and displaying CAD programs (which Appellants traverse), Burrows still fails to teach an area of the interactive web site (i.e., that is accessible to the user) for modifying and organizing site members and project members (as claimed). Burrows does not even remotely allude to such areas of a web site or a web site having the capabilities as claimed.

In view of the above, Appellants submit that the present independent claims are clearly patentable over the cited references.

C. Dependent Claims 3, 17, and 32 Are Patentable Over The Prior Art

Dependent claims 3, 17, and 32 provide that access permissions may be defined for the site members of the web site. To teach these claimed elements, the final Office Action relies on Fig. 4, Steps C1 and C2; col. 5, lines 16-20, and lines 58-69.

Col. 5, lines 17-20 provide:

...Once again, at this stage, security can be provided (for example through the use of passwords) to ensure that only authorized users gain access to the forms.

Col. 5, lines 58-69 provide:

When the parameters relating to a completed CAD task parameter form are received in Step S3, security checks are performed, as appropriate, and subject to correct authorization, the job description concerned is created and the details thereof are stored for later use in Step S4. The appropriate CAD task is launched in Step S5 and this process continues until the results are generated at Step S6.

In Step S7, the results are returned as a file to the user making use of the details for the job which were stored in Step S4.

Thus, as these portions of text illustrate, Burrows merely provides for using security to prevent access to various forms. Further, subject to authorization, a job description may be created and stored. However, Burrows fails to describe access permissions for site members of a web site.

Instead, Burrows merely describes preventing access to a form. In this regard, the passwords described in Burrows could merely be concerned with a particular form and anyone who has the form password could have access. In such a scenario, access permissions for site members of the interactive web site are not defined whatsoever.

In view of the above, Appellants submit that dependent claims 3, 17, and 32 are not described or suggest, implicitly or explicitly by the cited references and are in condition for allowance.

D. Dependent Claims 4, 18, and 33 Are Patentable Over The Prior Art

Dependent claims 4, 18, and 33 provide that the web site is displayed in a tree hierarchical view. Further, the tree hierarchical display provides a listing of the drawings, text files, project folders, and standard folders that make up the projects.

To teach the additional elements provided in these claims, the final Office Action relies on Wishnie Fig. 4a, hierarchical display space 402; and col. 4, lines 23-38. However, the hierarchical display of Wishnie merely provides for a hierarchical display of HTML files that make up the web site (see Fig. 4a and col. 4, lines 23-38). Wishnie fails to list drawings and text files and project folders and standard folders. In this regard, Wishnie completely fails to distinguish between or describe two differently claimed types of folders – project folders and standard folders. Instead, Wishnie merely has folders that contain HTML web pages. Such a use of folders does not allude to or suggest the claimed folders or files that are stored in them.

E. Dependent Claims 5, 19, and 34 Are Patentable Over The Prior Art

In dependent claims 5, 19, and 34, the web site provides the additional functionality for allowing a user to markup a drawing.

To teach these claimed elements, the final Office Action relies on Burrows Fig. 4, step C2, and col. 4, lines 13-20. Col. 4, lines 9-20 provide:

A computer 30, which includes a central processing unit, associated main and mass storage memory and all the other typical attributes of a computer, supports a number of applications including a network monitor application 34, management applications 36 and a computer aided design tool 38, including design tool executables 37 (programs) and design tool libraries 39. One or more user stations 28 including a display, (possibly a local processor) and input/ output devices can be provided for CAD tool designers/maintainers to create and maintain the CAD tool 38.

While Burrows describes design tools, Burrows completely fails to describe a markup tool or the ability for a user to markup a drawing. In fact, separate electronic searches of Burrows for the terms "mark" and "markup" provide no results whatsoever. Without even mentioning the term "mark" or "markup", Burrows cannot possibly teach the capability to markup a drawing as claimed.

In view of the above, Appellants submit that these dependent claims are allowable over the cited references.

F. Dependent Claims 6, 7, 20, 21, 35 and 36 Are Not Separately Argued

G. Dependent Claims 8, 22, and 37 Are Patentable Over The Prior Art

Dependent claims 8, 22, and 37 provide a feature of the interactive web site for emailing a site member when the site member's access permissions change.

To teach the additional elements of these claims, the final Office Action relies on Robertson col. 5, lines 5-32 that provides:

The Customer Table 440 contains one record for each unique user. The key field in this table is CustomerID 440-2. All information stored in the various database tables relating to a particular member is linked together by a unique number in this field. Other important fields in this table include information used by users to login to the system (Username 440-6 and Password 440-8), information which helps users identify each other (First Name 440-10, Last Name 440-12, and E-mail 440-20), information required to provide Birthday Notification (Birthday 440-16) and information required to provide Crossing Paths notification (CityID 440-14). Each record in the Customer Table 440 is time-stamped via the RecordDate field 440-4. Other fields 440-22 can also be included in the Customer Table 440 (and the other tables as well).

The Friend Table 460 is a key to the present invention because it relates users to each other. Each record in the table represents a relationship between one user, identified by CustomerID 460-4, and another, identified by FriendID 460-6, with a certain level of permissions 460-10. The user interface of the present invention provides a multitude of ways for users to view information about other users, and every one of these ways relies on a database query of the Friend Table 460 to determine the list of other users whose information a particular user may see. Each record is time-stamped via the RecordDate field 460-8 so that users may be notified when their contacts' records change. Each record is uniquely identified by a RelationID 460-2.

As indicated in this quoted portion, an email may be sent to a particular user when contact information of a friend of the user changes. The present claims provide for emailing a site member when the same site member's access permissions change. Appellants submit that the claimed access permissions are not even remotely equivalent, implicitly or explicitly, to contact information of a friend of a user. In this regard, firstly, Robertson is dealing with a change in a user's contacts'

records (i.e., records of a friend of the user) and not in the particular user's own information.

Secondly, Robertson provides for contact information changing and not access permissions.

In view of the above, Appellants submit that these dependent claims are patentable over the cited references.

H. Dependent Claims 9-12, 23-26, and 38-41 Are Not Separately Argued

I. Dependent Claims 13, 27, and 42 Are Patentable Over The Prior Art

Dependent claims 13, 27, and 42 provide for an additional area of the web site that may be used for discussing aspects of a project.

To teach the additional elements of these dependent claims, the final Office Action relies on BurrIDGE's Fig. 3, GUI 308 and col. 7, lines 5-26. The cited portion of BurrIDGE merely provides for the use of a collaboration applet that allows a user to enter a chat with other collaboration users. BurrIDGE's summary col. 3, lines 6-47 describes the system of BurrIDGE. Specifically, BurrIDGE provides the ability for users that are currently viewing the same web page to collaborate with each other using an applet.

Appellants submit that teaching the ability for multiple users viewing the same web page to collaborate with each other does not teach, disclose, or suggest, implicitly or explicitly, an area of a web site for discussing aspects of a project. Firstly, an applet is not an area of a web site. Instead, an applet is an application program that runs in a browser. In addition, the claimed area of the web site is for discussing aspects of a project. The claimed project includes drawings and text files in project folders and standard folders. Users accessing the same web page does not even suggest an aspect of a project.

In view of the above, Appellants submit that dependent claims 13, 27, and 42 are patentable over the cited art.

J. Dependent Claims 14, 15, 28, 29, 30, 43, 44, and 45 Are Not Separately Argued

K. Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

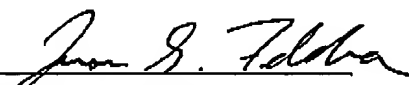
Respectfully submitted,

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G&C 30566.79-US-U1

APPENDIX

1. (ORIGINAL) An Internet web site, comprising:
an online service, implemented on a computer, for building, design, and construction personnel that provides an integrated project workspace for organizing folders therein as containers for storing, managing, and sharing files for one or more architectural projects, wherein the files comprise drawings, documents, communications, and tasks related to the architectural projects, and the integrated project workspace provides relevant content, services, and tools to help the personnel manage the files related to the architectural projects.
2. (ORIGINAL) A computer-implemented apparatus comprising:
accessing architectural project information using an interactive web site hosted on a server wherein one or more areas of the interactive web site provide for:
modification and organization of:
a display of the interactive web site;
site members of the interactive web site;
one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders; and
project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files.
3. (ORIGINAL) The apparatus of claim 2 wherein access permissions can be defined for site members of the interactive web site.
4. (ORIGINAL) The apparatus of claim 2 wherein a tree hierarchical view of the interactive web site displays a listing of the drawings and text files and the project folders and standard folders.
5. (ORIGINAL) The apparatus of claim 2 wherein the interactive web site is further configured to allow a user to markup a drawing.

6. (ORIGINAL) The apparatus of claim 2 wherein aspects of the interactive web site are installed and executed on a local computer.

7. (ORIGINAL) The apparatus of claim 2 further comprising updating project information stored on the server by transferring information from a local computer to the server.

8. (ORIGINAL) The apparatus of claim 2 wherein a feature of the interactive web site provides for emailing a site member upon a change in access permissions of the site member.

9. (ORIGINAL) The apparatus of claim 2 wherein the area for the modification and organization of the display of the interactive web site comprises an area to specify the location of information to be displayed on the interactive web site.

10. (ORIGINAL) The apparatus of claim 2 wherein the interactive web site further comprises an activity log that captures activities of site members on the interactive web site.

11. (ORIGINAL) The apparatus of claim 10 wherein information in the activity log can be filtered based on one or more specified properties.

12. (ORIGINAL) The apparatus of claim 2 wherein the site members of the interactive web site may be organized in a group and wherein the interactive web site provides the ability to define access permissions for the group.

13. (ORIGINAL) The apparatus of claim 2 wherein the interactive web site further comprises an area for discussing aspects of a project.

14. (ORIGINAL) The apparatus of claim 2 wherein the interactive website further comprises the ability to import and export information.

15. (ORIGINAL) The apparatus of claim 2 wherein the interactive web site is created by a user without action or interaction with a site administrator.

16. (ORIGINAL) A method for providing access to architectural project information comprising:

a computer implemented interactive web site hosted on a server, the interactive web site providing the ability to modify and organize:

a display of the interactive web site;

site members of the interactive web site;

one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders; and

project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files.

17. (ORIGINAL) The method of claim 16 further comprising the interactive web site providing the ability to define access permissions for site members of the interactive web site.

18. (ORIGINAL) The method of claim 16 further comprising displaying a tree hierarchical view of a listing of the drawings and text files and the project folders and standard folders.

19. (ORIGINAL) The method of claim 16 further comprising the interactive web site allowing a user to markup a drawing.

20. (ORIGINAL) The method of claim 16 further comprising installing and executing aspects of the interactive web site on a local computer.

21. (ORIGINAL) The method of claim 16 further comprising updating project information stored on the server by transferring information from a local computer to the server.

22. (ORIGINAL) The method of claim 16 further comprising emailing a site member upon a change in access permissions of the site member.

23. (ORIGINAL) The method of claim 16 further comprising the interactive web site providing an area to specify the location of information to be displayed on the interactive web site.

24. (ORIGINAL) The method of claim 16 further comprising capturing the activities of site members in an activity log.

25. (ORIGINAL) The method of claim 24 further comprising filtering information in the activity log based on one or more specified properties.

26. (ORIGINAL) The method of claim 16 further comprising:
organizing the site members in a group; and
the interactive web site providing the ability to define access permissions for the group.

27. (ORIGINAL) The method of claim 16 further comprising the interactive web site providing an area for discussing aspects of a project.

28. (ORIGINAL) The method of claim 16 further comprising importing information.

29. (ORIGINAL) The method of claim 16 further comprising exporting information.

30. (ORIGINAL) The method of claim 16 further comprising creating the computer implemented interactive web site without action or interaction with a site administrator.

31. (ORIGINAL) An article of manufacture for accessing architectural project information comprising:

an interactive web site hosted on a computer server wherein the interactive web site comprises:

means for modifying and organizing:

a display of the interactive web site;

site members of the interactive web site;

one or more projects including means for storing, means for organizing, and means for displaying drawings and text files in project folders and standard folders; and

project members of the one or more projects including means for defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files.

32. (ORIGINAL) The article of manufacture of claim 31 further comprising means for defining access permissions for site members of the interactive web site.

33. (ORIGINAL) The article of manufacture of claim 31 further comprising means for displaying a tree hierarchical view with a listing of the drawings and text files and the project folders and the standard folders.

34. (ORIGINAL) The article of manufacture of claim 31 further comprising means for allowing a user to markup a drawing.

35. (ORIGINAL) The article of manufacture of claim 31 further comprising means for installing and executing the interactive web site on a local computer.

36. (ORIGINAL) The article of manufacture of claim 31 further comprising means for updating project information stored on the server by transferring information from a local computer to the server.

37. (ORIGINAL) The article of manufacture of claim 31 further comprising means for emailing a site member upon a change in access permissions of the site member.

38. (ORIGINAL) The article of manufacture of claim 31 further comprising means for specifying the location of information to be displayed on the interactive web site.

39. (ORIGINAL) The article of manufacture of claim 31 further comprising means for capturing activities of site members in an activity log.

40. (ORIGINAL) The article of manufacture of claim 39 further comprising means for filtering information in the activity log based on one or more specified properties.

41. (ORIGINAL) The article of manufacture of claim 31 further comprising:
means for organizing site members in a group; and
means for defining access permissions for the group.

42. (ORIGINAL) The article of manufacture of claim 31 further comprising means for discussing aspects of a project on the interactive web site.

43. (ORIGINAL) The article of manufacture of claim 31 further comprising importing information.

44. (ORIGINAL) The article of manufacture of claim 31 further comprising exporting information.

45. (ORIGINAL) The article of manufacture of claim 31 wherein the interactive web site was created without action or interaction with a site administrator.

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Applicant: Mark E. Sweat et al. Examiner: Kimberly D. Flynn
Serial No.: 09/534,757 Group Art Unit: 2153
Filed: March 24, 2000 Docket: G&C 30566.79-US-U1
Title: METHOD AND APPARATUS FOR DRAWING COLLABORATION ON A NETWORK

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